

REMARKS

Claim 1 has been amended and new Claims 21-23 have been added. The amendments in Claim 1 further define the invention. Support for the amendments can be found in the specification and figures. Attached hereto is a marked-up version of the changes made to Claim 1 by the above amendment and new Claims 21-23. The attached page is titled "Version with markings to show changes made".

Restriction Requirement under 35 USC 121

Applicants wish to elect Claims 1-9. Claims 10-20 are withdrawn from consideration. Claims 1-9 and 21-23 are pending.

Rejection under 35 USC 112 Second Paragraph

The Examiner has rejected claims 1-9 under 35 USC 112. By the amendment presented, Claim 1 has been amended to replace the term "involved in" with the language "adjacent to". As pointed out by the Examiner, the term "adjacent to" is used earlier in the claim.

Rejection under 35 USC 102

Claims 1-5 and 8 are rejected under 35 USC 102(e) as being anticipated by Srinivasan et al. Srinivasan et al. discloses a laminated fabric wherein an elastomeric film material is sandwiched between two webs of carded thermoplastic staple fibers. The webs are comprised of unfused fibers. When the laminate is formed, the unfused fibers which overlap the apertures in the film are fused to each other. (column 3, lines 32-35) The use of these particular nonwovens with elastomeric films produce an elastomeric laminate with superior stretch/recovery. (column 2, lines 33-44) Srinivasan et al. teaches that the unbonded webs and unfused fibers in the webs are used to achieve stretch. Therefore, according to these teachings, a prebonded web with fused fibers would be expected to render the invention inoperable as the resulting laminate would exhibit very poor stretch or recovery.

The present invention, as amended in Claim 1 and 21, requires a prebonded web. This is different than Srinivasan et al. which teaches away from using prebonded webs which contain fused fibers. In Srinivasan et al., the superior stretch is achieved through the use of unfused fibers.

Srinivasan et al. also teaches that the film of elastomeric material has a lower melting temperature than the outer webs. The heat and pressure applied cause the elastomeric material of the film to melt and form an aperture. (column 4, line 64 – Column 5, line 3) This is in contrast to the center layer of the present invention which need not have a melting point and preferably, the melting temperature is at least about 10 degrees Centigrade higher than the outer layers. The aperturing of the central layer of the present invention is a result of mechanical displacement and not melting. (page 8, lines 1-3) This is claimed in Claim 22.

New claim 23 is for an apertured laminate web. Srinivasan et al. does not disclose apertured webs but discloses that the fibers are fused to each other across apertures in the film.

Claims 1, 2, 4, and 7 are rejected under 35 USC 102(b) as being anticipated by Seward. Seward discloses a reinforced fabric composition including a fabric base, a heat conductive metallic foil, and a non-woven batt of fibers. The batt and foil are mechanically locked to the base solely by fibers of the batt which are pushed through the foil and the base and are locked against the bottom of the base. This mechanical bonding is achieved through needle punching. As in the pending claims, the laminate web of the present invention is formed with discrete thermal bond sites. This is in contrast to Seward which has mechanical bonding and does not use any heat for bonding. Additionally, the present invention does not contain materials protruding through the bonded area.

Rejection under 35 USC 103(a)

Claim 6 is rejected under 35 USC 103(a) as being unpatentable over Srinivasan et al. in view of Griesbach et al. and Claim 9 is rejected over Srinivasan et al. in view of Phan et al. By the amendments presented and the remarks above regarding Srinivasan et al., Applicants assert that the amended claim and new claims are patentable over Srinivasan et al. in view of Griesbach et al. and Phan et al.

CONCLUSION

Applicants have made an earnest effort to distinguish the claimed invention from the applied documents and place the Claims in condition for allowance. Reconsideration of this application, in view of the amendments and remarks provided, and allowance of Claims 1-9, as amended, and new

claims 21-23 are requested. In the event that issues remain prior to allowance of the pending claims, the Examiner is invited to call Applicants' undersigned attorney to discuss any remaining issues.

Respectfully submitted,

By Angela Marie Stone
Angela Marie Stone
Attorney for Applicant
Registration No. 41,335
(513) 634-9397

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Customer No. 27752

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended) A laminate web comprising:

- (a) a first --prebonded-- web;
- (b) a second --prebonded-- web joined to said first --prebonded-- web in a face to face relationship at a plurality of discrete --thermal-- bond sites, the first and second --prebonded-- webs forming an interior region therebetween; and
- (c) a third material being disposed between at least a portion of said first and second --prebonded-- webs, said third material being apertured in regions adjacent said --discrete thermal-- bond sites, such that said first and second --prebonded-- webs are joined through said apertures and wherein said third material is --adjacent to-- [involved in] said discrete --thermal-- bond sites and substantially fills said interior region.